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EXAMINER				
SPOONER, LAMONT M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/723,370

Applicant(s)

GROSS ET AL.

Examiner

LAMONT M. SPOONER

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 83-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This office action is in response to applicant's amendment filed 6/01/2010. Claims 83-103 are currently pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 6/01/2010 with respect the 35 USC 102 rejections as anticipated by Bradshaw (US 5,835,722) have been fully considered but they are not persuasive.

Applicant argues, regarding claims 83, 84, 87, 92, 94, 96, 100 and 101 are patentable over Bradshaw (see pages 11-12). "Instead Bradshaw merely describes some kind of basic edge/gateway that does not coordinate or interact with the author/originators of email messages. Hence, it cannot meet the language of the claims. However, the Examiner has clearly stated, and presented the previous arguments which entail the explicit discussion of the supervisor as the author of an email and the filtering methods as discussed, wherein Bradshaw teaches an electronic message file, C.7 lines 8-17-his E-mail log of messages, wherein the message file is reviewed by a supervisor/user, and further being reviewed for inappropriate content, in the manner disclosed/claimed by applicant,

C.12 lines 45-52-his sentinels expanded **to compare content of incoming and outgoing E-mail with the libraries**. Thus, Bradshaw explicitly teaches checking "**words within the e-mail message file**." Therefore, applicant's corresponding arguments remain unpersuasive.

Applicants arguments regarding claims 84, 87 and 92, and independent claims 94, 96, 100 and 101, which incorporate and are based on the above arguments, are thus also deemed unpersuasive.

Applicant further argues, regarding claims 85 and 86, which incorporates arguments of independent claim 83, and thus the arguments remain unpersuasive, and further argues, on page 14, there is no such feature in Cohen which teaches "a plurality of filters could be triggered, and the method identifies which one is indicated." However, the Examiner notes it is a combination of Bradshaw with Cohen which makes obvious this rejection, wherein the Examiner notes the applicant has only addressed Cohen. It is discussed in detail, the plurality of filters, as pertaining to Bradshaw's libraries, including foul language, see previous rejection of claim 86, and furthermore, the explicit identification of a filter being implicated by Cohen, lines 34-40-his "profane language" filter being

identified and displayed to the user, thus, the specific one of a filter is being identified to the user, by way of the combination of Bradshaw and Cohen.

Applicant further argues regarding claims 88, 89, and 97, which incorporates arguments of independent claim 83, and thus the arguments remain unpersuasive, "Claims 88, 89 and 97 are patentable over Bradshaw in view of Stamps. These claims should be allowable for at least the same reasons as claim 83, from which they depend. Applicant further argues Stamps as a foreign language filter.

However the Examiner has addressed these arguments previously, and the Examiner's response is repeated herein. The Examiner notes this is an attack on Stamp individually, and **omits the offensive language filter and library with an initial language, editable by the supervisor as taught by Bradshaw in the arguments.** Furthermore, omits the discussion and motivation to combine Stamps with Bradshaw which consequently **produces a second language dictionary with offensive words**, see Stamps C.3 lines 31-44-his various language dictionaries, which second dictionary is part of a second electronic file which is separate from a first electronic file used for said first set of words and can be considered separately from said first electronic file (ibid, his each

dictionary). Therefore, at the time of the invention, it would have been obvious to modify Bradshaw's email message (document) with spell checking and language filter for foreign language words. The motivation for doing so would have been to have correct spelling and improper foreign language words. Wherein the Examiner notes the applicant has addressed the Examiner's motivation for combining the references. However, applicant's arguments are unpersuasive in that it is abundantly clear and well articulated that being able to filter and detect foul language in more than one language is (see previous rejection, including the modification discussion of Bradshaw with checking for foreign language words to filter) wherein the benefit is overwhelming evident and obvious improvement to filtering/checking/correcting in only one language. Therefore, applicants above arguments remain unpersuasive.

Applicant further argues, "Claims 90, 91,93, 98 and 99 are patentable over Bradshaw and Russell – Falla." However these arguments are based on the above arguments regarding claim 83 and repeated threshold argument, and thus the arguments remain unpersuasive, wherein as previously stated, the Examiner relies on Russell-Falla for teaching wherein an author is alerted only if a sensitivity threshold specified by the author is

exceeded (C.5.1lines 34-51-his threshold value set, abstract). Applicant continues the argument that Russell-Falla fails to teach threshold being used by an author of an email message. However, the Examiner has made it explicitly clear through claims 83 and 90, that there is an author of an email message file, and further Russell-Falla is explicitly relied upon for teaching the "threshold", and further, Russell-Falla's user is also "an author", yet, as the focus is on combining a threshold component with Bradshaw's language filtering system, the Examiner notes all the components of the present claimed invention are taught as previously rejected. Furthermore, In the cited section, Russell-Falla explicitly teaches, "threshold values are used to influence the decision of whether or not a particular digital dataset should be deemed to contain the selected category of information content. Thus, anyone ordinarily skilled in the art, would have the knowledge of a threshold as applicable to a particular dataset, and thus as combined with Bradshaw, teach applicants claimed invention. The applicant has also attacked the motivation, however, it is explicitly clear, and well articulated how the combination would provide a language filter with a threshold aspect, and despite the applicant's opinion of the quality of the motivation, it is very explicit in Russell-Falla, the

abstract as previously cited, filtering an email, in a new highly scalable fashion, which is deemed sufficient motivation. Therefore, applicant's arguments, regarding the "thresholds" and motivation remain unpersuasive.

Regarding claims 93 and dependent claims 98 and 99, the applicant's arguments are based on the arguments provided for claim 83 and the above Russel-Falla arguments, and thus are also deemed unpersuasive.

Applicant further argues, "Claims 95 and 102 - 103 are patentable over Bradshaw taken with Rayson." Applicant repeats the discussion towards the motivation to combine the references.

However, the Examiner has previously cited, the combination provides an option to Bradshaw which allows the system to automatically scan an entry either immediately as input or after an idle period, for correction (ibid, Rayson-C.3 lines 24-30, abstract and summary). The Examiner has clearly articulated the reasons for combining the references, and the results of the combination, and further provided a clear motivation, wherein the motivation for doing so would have been to automatically scan an entry either immediately as input or after an idle period, for correction (ibid, Rayson-C.3 lines 24-30, abstract and summary). Review of Rayson's abstract and summary teach explicitly time intervals as relative to the entry,

wherein the benefit provided by Rayson is direct, and despite applicants opinion that the motivation is hindsight, it is apparent in the combination of Rayson with the cited prior art, the motivation is obvious and provides an obvious benefit to the entry of text as provided by Bradshaw. Thus applicant's arguments remain unpersuasive.

Independent claim 102 and dependent claim 103, are based on above previously addressed unpersuasive arguments and thus are deemed unpersuasive as well.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 83, 84, 87, 92, 94, 96, 100 and 101 are rejected under 35 U.S.C. 102(e) as being anticipated by Bradshaw (US 5,835,722).

As per **claim 83**, Bradshaw teaches a method of permitting an author of an electronic mail (email) message file to check text content of such file

using an electronic text editor program operating on a computing system, the method comprising:

(a) permitting the author to select at least one language filter (C.3 lines 30-47- a supervisor adding the language filters (libraries), thus the supervisor has the ability to select which language filters and words being applied, see below discussion of supervisor taken as the author/user) for checking words within in the email message file (C.7 lines 18-26-his foul language filter, C.7 lines 8-17-his E-mail log of messages, wherein the message file is reviewed by a supervisor/user, and further being reviewed for inappropriate content, in the manner disclosed/claimed by applicant, C.12 lines 45-52-his sentinels expanded to compare content of incoming and outgoing E-mail with the libraries. Thus, Bradshaw teaches checking **"words within the e-mail message file"**), which language filter includes a first set of words identified as offensive and/or potentially inappropriate for use in connection with an intended recipient of the email message (ibid, his library of foul language); and

(b) receiving input words entered by the author as text for the email message file (ibid, C.8 lines 35-37-his author typing the words);

(c) inspecting said input words within the email message file to determine if they fall within said language filter (ibid, C.8 lines 35-40-his inspection of the words and comparison to his libraries);

(d) alerting the author when one or more of said input words within the email message file fall within said language filter (ibid, C.8 lines 54-58, his blocking screen);

(e) permitting the author to change words within the email message file after step (d) and before the email message file is transmitted to said intended recipient (ibid, C.8 lines 55-59-his typed password, thus allowing access to the email, at this point there is no transmission, and C.4 lines 25-28-his text editor, wherein it is inherent that the author with access in a text editor, can make changes); and

wherein the author of the email message file can cause the email message file be transmitted by the computing system to said intended recipient even if the words in such email message file still fall within said language filter (ibid, C.2 lines 57-67-screen production of email, C.3 lines 10-34, C.4 lines 18-21, Bradshaw explicitly teaches giving screening of content of a user, libraries, and content for sending by a user, the Examiner notes that the actual blocking mechanism that prevents the mail from being

sent is known by a supervisor, in the form of a password, C.8 lines 59-61, however, the Examiner notes a user can be a supervisor, C.5 lines 32-34, explicitly detail the supervisor as "anyone who has authority to control the user of the computer system in which X-Stop is installed." Thus, there is nothing to prevent a Supervisor from creating a message, and having the message dynamically scanned and prompted for vulgar language, blocked from transmission, entering the password, (editing or not the content) and sending the message through his email application, as X-stop is running on the application.

As per **claim 84**, Bradshaw teaches claim 83. Bradshaw further teaches wherein said language filter includes obscene, vulgar and/or racist words found in a first pre-programmed dictionary created without input from the author (C.3 lines 30, 31-library, C.6 lines 9-14-his third library, see Fig. 2-his stored library).

As per **claim 87**, Bradshaw teaches claim 83. Bradshaw further teaches a step (f): checking one or more additional electronic message files according to steps (a) through (d) (C.2 lines 61-67-his documents, C.5 lines 35-40-his transmission of the any messages/data).

As per **claim 92**, Bradshaw teaches claim 83. Bradshaw further teaches wherein steps (a) through (e) are implemented as a software routine in a machine readable form executable by a personal computer (Bradshaw, C.5.lines 3-25).

As per **claims 94, 100 and 101**, claims 94, 100 and 101, set forth limitations similar to claim 83, and are thus rejected for the same reasons and under the same rationale.

Bradshaw further teaches inspecting said input word substantially immediate in time after it is entered to determine if it falls within said language filter, and wherein said input word is checked before the author has entered another input word (C.8 lines 35-60-as the user types, X-Stop monitors and checks the content of each character, claims 94, 100 and 101).

As per **claim 96**, Bradshaw teaches a computer program for checking text content of an email message file using an electronic text editor program operating on a computing system (C.5 lines 25, 26-his software), comprising:

a language filter for checking words within the email message file (C.7 lines 18-26-his foul language filter, C.7 lines 8-17-his E-mail log of

messages, wherein the message file is reviewed by a supervisor/user, and further being reviewed for inappropriate content, in the manner disclosed/claimed by applicant, C.12 lines 45-52-his sentinels expanded to compare content of incoming and outgoing E-mail with the libraries. Thus, Bradshaw teaches checking **"words within the e-mail message file"**), which language filter is an electronic dictionary which includes a set of words that could be offensive and/or potentially inappropriate for use in connection with an intended recipient of the email message file (ibid, his library of foul language); and a content checking routine which is adapted for:

i) receiving input words entered by the author as text for the email message file (ibid, C.8 lines 35-37-his author typing the words);

ii) inspecting said input words within the email message file to determine if they fall within said language filter (ibid, C.8 lines 35-40-his inspection of the words and comparison to his libraries);

iii) generating an alert to the author when ea one or more of said input words within the email message file fall within said language filter (ibid, C.8 lines 54-58, his blocking screen);

iv) permitting the author to change words within the email message

file after an alert is generated and before the email message file is transmitted to said intended recipient (ibid, C.8 lines 55-59-his typed password, thus allowing access to the email, at this point there is no transmission , and C.4 lines 25-28-his text editor, wherein it is inherent that the author with access in a text editor, can make changes); and

wherein the author of the email message file can cause the email message file to be transmitted by the computing system to said intended recipient even if words in such email message file still fall within said language filter (ibid, C.2 lines 57-67-screen production of email, C.3 lines 10-34, C.4 lines 18-21, Bradshaw explicitly teaches giving screening of content of a user, libraries, and content for sending by a user, the Examiner notes that the actual blocking mechanism that prevents the mail from being sent is known by a supervisor, in the form of a password, C.8 lines 59-61, however, the Examiner notes a user can be a supervisor, C.5 lines 32-34, explicitly detail the supervisor as "anyone who has authority to control the user of the computer system in which X-Stop is installed." Thus, there is nothing to prevent a Supervisor from creating a message, and having the message dynamically scanned and prompted for vulgar language, blocked from transmission, entering the password, (editing or not the content) and

sending the message through his email application, as X-stop is running on the application).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 85 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. (Bradshaw, US 5,835,722) in view of Cohen (US 5,796,948).

As per **claim 85**, Bradshaw teaches the method of claim 83, but lacks providing a highlighting of any words which are determined to fall within said language filter along with an accompanying visual warning. However, Cohen teaches providing a highlighting of any words which are determined to fall within said language filter along with an accompanying visual warning (C.4.lines 30-50-his bracketing of each profanity, and profanity message displayed to the user). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Bradshaw's

warning display with Cohen's highlighting of words, providing the benefit of identifying words falling within the language filter.

As per **claim 86**, Bradshaw teaches claim 83. Bradshaw further teaches a plurality of language filters (C.3 lines 30-47-his created libraries, and Fig. 2-his Libraries Loaded in Memory).

Bradshaw lacks explicitly teaching identifying which ones of a plurality of language filter were triggered to the author during step (d). However, Cohen teaches identifying a language filter to the author which was triggered during step (d) (C.4.lines 36-38-his profanity message).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Bradshaw with Cohen's profanity message, providing the benefit of identifying the triggered language filters.

7. Claims 88, 89 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw, as applied to claim 83 above, and further in view of Stamps et al. (Stamps, US 5,437,036).

As per **claims 88 and 89**, Bradshaw teaches claim 83, but lacks including a step (f): checking spelling of the email message, and further lack wherein said language filter includes a second dictionary with foreign language words.

However, Stamps teaches checking spelling (C.3.lines 17-30-his spell checking), and a dictionary with foreign language words (C.3 lines 31-44-his various language dictionaries), which second dictionary is part of a second electronic file which is separate from a first electronic file used for said first set of words and can be considered separately from said first electronic file (ibid, his each dictionary). Therefore, at the time of the invention, it would have been obvious to modify Bradshaw's email message (document) with spell checking and language filter for foreign language words. The motivation for doing so would have been to have correct spelling and improper foreign language words.

As per **claim 97**, Bradshaw teaches claim 96, and further teaches wherein said language filter includes at least a first dictionary and a second separate dictionary (Fig. 2 his libraries), but lacks said alert includes an indication of which of said first dictionary or said second dictionary was triggered by said alert.

However, Stamps teaches said language filter includes at least a first dictionary and a second separate dictionary, and said alert includes an indication of which of said first dictionary or said second dictionary was triggered by said alert (C.3 lines 31-44-his various language dictionaries,

C.4 lines 5-16 and C.5 lines 63-67-his specified dictionaries). Therefore, at the time of the invention, it would have been obvious to modify Bradshaw's libraries dictionary with two independent dictionaries. The motivation for doing so would have been identify the dictionary for the correction (Stamps, *ibid*).

8. Claims 90, 91, 93, 98 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw, as applied to claim 83 above, and further in view of Russell-Falla et al. (Russell-Falla, US 6,675,162).

As per **claims 90 and 91**, Bradshaw teaches claim 83, but lacks teaching wherein an author is alerted during step (d) only if a sensitivity threshold specified by the author is exceeded, and wherein said sensitivity threshold is specified as a numerical value ranging from 1 to 10.

However, Russell-Falla teaches wherein an author is alerted only if a sensitivity threshold specified by the author is exceeded (C.5.lines 34-51, abstract). The Examiner takes Official notice that a sensitivity threshold can have a range of numerical values. Therefore, at the time of the invention, it would have been obvious to modify Bradshaw's language filter with a threshold specified by an author, wherein the threshold has a range (such as 1-10). The motivation for doing so would have to allow user designate a

threshold to filter content (Russel-Falla, abstract).

As per **claims 93 and 98**, claims 93 and 98 set forth limitations similar to claim 83 and 91, and are thus rejected for the same reasons and under the same rationale.

As per **claim 99**, Bradshaw and Russell-Falla make obvious claim 98, Russell-Falla also teaches wherein said sensitivity threshold is used during a check of individual words in said language filter (C.5.lines 65-67, abstract-his email).

9. Claims 95, and 102, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw in view of Rayson et al. (Rayson, US 5,761,689).

As per **claims 95, 102, and 103**, claims 95, and 102, set forth limitations similar to claim 83, and are thus rejected for the same reasons and under the same rationale.

Bradshaw lacks inspecting said input words during idle periods when the author is not interacting with said electronic text editor program to determine if such input words fall within said language filter and said input words are also checked for spelling during said idle periods (claims 95, 102 and 103).

However, Rayson teaches inspecting said input words during idle periods when the author is not interacting with said electronic text editor program (C.2.lines 12-24-his automatic as immediate and delimiting as before the user enters another word, C.3.lines 24-31-as his spell check, and language filtered as misspellings are interpreted as inappropriate for use in connection with an intended recipient of an email message-claims 102, 103). Therefore, at the time of the invention, it would have been obvious to modify Bradshaw's language filter with after an idle period scan of the words to be filtered. The motivation for doing so would have been to automatically scan an entry either immediately as input or after an idle period, for correction (ibid, Rayson-C.3 lines 24-30, abstract and summary).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAMONT M. SPOONER whose telephone number is (571)272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

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8/18/10